

U.S. Department of Justice



SDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 5/10/2021

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 7, 2021

VIA ECF

Hon. Colleen McMahon
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Lin v. Nolan, et al.*, No. 21 Civ. 1383 (CM)

Dear Judge McMahon:

OK, Conference adjourned
Colleen McMahon
5/10/2021

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate his Application to Register Permanent Residence or Adjust Status (Form I-485). On behalf of the government, I write respectfully to request an on-consent extension of time of twenty-one days to respond to the complaint (*i.e.*, from May 11 to June 1, 2021). If the Court grants the extension, the government further requests that the May 13, 2021 initial conference be adjourned until after the response to the complaint is due.

The extension and adjournment are respectfully requested because USCIS is unable to locate the plaintiff's medical form and has requested a duplicate copy. The additional time is anticipated to allow the plaintiff to arrange for the re-submission and for USCIS to take adjudicative action on the Form I-485, which potentially could render this action moot.

This is the government's second request to extend the deadline to respond to the complaint and first request to adjourn the initial conference.¹ Plaintiff's counsel consents to these requests.

I thank the Court for its consideration of this letter.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: s/ Michael J. Byars
MICHAEL J. BYARS
Assistant United States Attorney
Telephone: (212) 637-2793
Facsimile: (212) 637-2786
E-mail: michael.byars@usdoj.gov

cc: Counsel of record (via ECF)

¹ On April 22, 2021, the government requested a fourteen-day extension to review the plaintiff's response to a Request for Evidence, which had been marked as received at the USCIS service center, but has not been located. See ECF No. 17. The Court granted the extension. See ECF No. 18.